

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

SEASON GROUP USA, LLC  
*Plaintiff*

vs.

FRIEDRICH AIR CONDITIONING, INC.  
*Defendant.*

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CIVIL ACTION NO. 5:19-cv-1391

**Removed from District Court of  
Bexar County, Texas  
408<sup>th</sup> Judicial District  
Cause No. 2019CI21570**

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1446(a) DIVERSITY**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant/Counter-Plaintiff Friedrich Air Conditioning, LLC, erroneously identified as Friedrich Air Conditioning, Inc. (“Friedrich”), hereby files its NOTICE OF REMOVAL, and removes this matter to this Court from the state court action described below:

1. On October 14, 2019, Plaintiff, Season Group USA, LLC (“Season”) filed its Original Petition and Request for Disclosure in the 408<sup>th</sup> Judicial District Court, Bexar County, Texas, entitled *Season Group USA, LLC vs. Friedrich Air Conditioning, Inc.*, as Cause No. 2019CI21570 (the “Lawsuit”). A copy of the State Court filing is attached hereto as **Exhibit A**.

2. Friedrich was served with the Lawsuit on November 4, 2019.

3. This action is a civil action of which this Court has jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court by Friedrich pursuant to the provisions of 28 U.S.C. § 1332(a). This is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs.

4. For purposes of determining diversity of citizenship, a limited liability company is deemed a citizen of the states where its members are citizens. *See Basurto v. Mervyn's, LLC*, 2007 WL 390711 at \* 1 (N.D. Tex.2007); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

5. Friedrich is a limited liability company whose sole member is Friedrich Holdings, Inc., which is a Delaware corporation. Friedrich is a Delaware citizen.

6. Season is a limited liability company, and based upon information received from Season, its sole member is Carl Hung who is a citizen of Canada. **See Exhibit B.** Season is a Canadian citizen.

7. There is diversity among the parties.

8. Further, the Lawsuit alleges damages in the amount of at least \$992,156.32. **See Exhibit A**, Plaintiff's Original Petition, ¶ 50.

9. The amount in controversy exceeds \$75,000.00.

10. The requirements for federal court jurisdiction under 28 U.S.C. § 1332 have been met.

11. Friedrich filed this removal within thirty (30) days following formal service of the Lawsuit in accordance with 28 U.S.C. § 1446; *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48, 119 S. Ct. 1322, 1325, 143 L. Ed. 2d 448 (1999).

12. All pleadings, process, orders, and all other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

13. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division encompass the place in which the removed action has been pending.

14. Defendant will promptly file a copy of this notice of removal with the clerk of the state court in which the action is pending.

15. In accordance with 28 U.S.C. § 1441(a), this matter is being removed to U. S. District Court for the Western District of Texas, San Antonio Division, because this court is the court for the district and division embracing the place where such action is pending, i.e., Bexar County, Texas.

Respectfully submitted,

CRADDOCK MASSEY LLP

By: /s/ Daniel K. Craddock

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**ATTORNEYS FOR DEFENDANT  
FRIEDRICH AIR CONDITIONING, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that on this 2<sup>nd</sup> day of December, 2019, a true and correct copy of the foregoing document was forwarded to counsel herein via facsimile and/or electronic service, as follows:

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**ATTORNEYS FOR PLAINTIFF**

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